

## REMARKS

The Final Office Action mailed October 19, 2006 has been received and reviewed. Claims 12-21, 26-33, and 35-36 had been previously withdrawn from consideration. Claims 2-5, 7 and 23 had been canceled previously. Claims 1, 6, 8-11, 22, 24 and 25 stand rejected. Claims 1 and 34 have been amended as previously set forth. Claims 12-18, 32, and 36-37 have been newly canceled. All amendments and cancellations are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

### Claim Rejections – 35 U.S.C. § 112

Claims 1, 6, 8-11, 22, 24, 25 and 34 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. Claim 1 has been amended to specify that the functional fragment “comprises about amino acids 54 to 248 of SEQ ID NO: 6.” Basis for the amendment can be found throughout the specification, for example, in paragraphs [0016] and [0081], and FIG. 3. Paragraph [0016] describes functional domains or fragments derived from SEQ ID NO: 6. For example, the specification discloses “an apoptosis associated region running from *about* amino acid position 32 to 226.” Specification, ¶ [0016], emphasis added. “(A)mino acid position 32” corresponds to amino acid position 54 of SEQ ID NO: 6 as depicted in FIG. 3, as paragraph [0016] points out “that in FIG. 3 amino acid position 23 corresponds with the first amino acid of an AAP-1 like protein.” In addition, the specification, e.g., paragraph [0081], describes that AAP-1-a, which essentially corresponds to the above-mentioned functional fragment, indeed induces apoptosis. Therefore, the functional fragment comprising about amino acids 54 to 248 of SEQ ID NO: 6 is fully described in the specification. A withdrawal of the rejection is thus respectfully requested.

### Withdrawn Claims

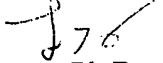
The Office Action requires nonelected claims to be canceled. Applicants have canceled the product claims that are directed to nonelected invention. However, applicants have not cancelled the method claims that are related to the product claims under consideration as process and product claims. Applicants respectfully request rejoinder of the method claims once the product claims have been allowed.

Allowed Claims

Applicants wish to point out a discrepancy in the Office Action. In the Office Action Summary, it is indicated that claim 34 is allowed. However, on page 5 of Office Action, claim 34 has been rejected.

Applicants believe the amendment has placed all pending claims in condition of allowance. If questions should remain after consideration of the foregoing, the Examiner is kindly requested to contact applicants' agent at the address or telephone number given herein.

Respectfully submitted,

  
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